

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X
DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

Civil Action No:
15-cv-701 FPG/MJR

-against-

NOTICE OF MOTION

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants,

-----X

PLEASE TAKE NOTICE that upon the Plaintiffs' Statement pursuant to Local Rule 56(a)(1); the Declaration of Jeffrey Benjamin, Esq. dated August 29, 2018; the Affidavit of Plaintiffs; the Affidavit of Dr. Kenneth Graham, Ph.D., R.Ph. and upon all of the Exhibits, papers and proceedings herewith and heretofore had herein, Plaintiffs by their counsel will move this Court before the Hon. Frank P. Geraci, Jr. United States District Judge at the U.S. Courthouse, 2 Niagara Square Buffalo, New York 14202 for an Order pursuant to FRCP 56(a) granting Plaintiffs partial summary judgment on the issue of liability under Plaintiffs' statutory causes of action, along with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Court Rules, answering/reply affidavits, if any, are required to be served upon the undersigned by September 27, 2018.

Dated: New York, New York
August 29, 2018

Respectfully Submitted,

KUPILLAS, UNGER & BENJAMIN, LLP

Jeffrey Benjamin

Jeffrey Benjamin, Esq.

5 Penn Plaza, 23rd Floor

New York, New York 10001

(212) 655-9536

jbenjamin@nyfraudlaw.com

